

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

ALBERT S. WOLOGO,

Plaintiff,

vs.

TRANSAMERICA LIFE INSURANCE  
COMPANY and AEGON USA  
INVESTMENT MANAGEMENT,

Defendants.

No. C 17-136-MWB

**OPINION AND ORDER  
REGARDING DEFENDANTS' RULE  
60(a) MOTION TO CORRECT  
JUDGMENT AMOUNT**

This case is before me on the defendants' February 9, 2018, Rule 60(a) Motion To Correct Judgment Amount. In that Motion, the defendants point out that the Judgment amount entered on February 2, 2018, was \$238,884.13, the amount claimed in their counterclaim, but that the correct amount, as indicated in their Statement Of Material Facts in support of their Motion For Summary Judgment was \$238,446.51, because of an offset of \$437.62 of plaintiff's commissions. I find that Rule 60(a) of the Federal Rules of Civil Procedure expressly provides for correction of such a clerical mistake or oversight. I agree with the defendants that such a mistake was made and apologize for the error.

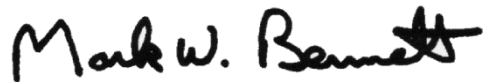
THEREFORE,

1. The defendants' February 9, 2018, Rule 60(a) Motion To Correct Judgment Amount (docket no. 66) is **granted**;
2. The February 2, 2018, Opinion And Order Regarding Defendants' Motion For Summary Judgment (docket no. 64) is **amended and corrected**, on page 3, to direct recovery by Defendant Transamerica of \$238,446.51 from Wologo on its counterclaim;

3. The February 2, 2018, Judgment (docket no. 65) is **vacated**;
4. **An Amended Judgment shall enter** reflecting the correct amount of \$238,446.51 as defendant Transamerica's recovery on its counterclaim.

**IT IS SO ORDERED.**

**DATED** this 9th day of February, 2018.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font.

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MARK W. BENNETT  
U.S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA